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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/392,127

02/22/1995

ROBERT FISCHER

2338/OA887

8906

7590  
DARBY AND DARBY  
805 THIRD AVENUE  
NEW YORK, NY 10022

01/17/2007

EXAMINER

NGUYEN, TAN QUANG

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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08.392.127

EXAMINER
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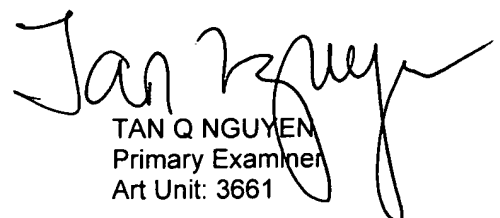
ART UNIT	PAPER
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20061210

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

  
TAN Q NGUYEN  
Primary Examiner  
Art Unit: 3661

**Office Action Summary**

Application No.

08/392,127

Applicant(s)

FISCHER ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23,25-39 and 102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23,25-39 and 102 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 1995 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/22/1995.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAIL ACTION

### *Notice to Applicant(s)*

1. The office action is responsive the Petition Decision on February 20, 2004. The amendment filed on July 28, 2003 has been entered. As per request, claims 1, 2, 6, 9, 14, 15, 21-23, 25-29 and 33-39 have been amended. Claims 24 and 4-101 have been canceled. Claim 102 has been added. Thus, claims 1-23, 35-39 and 102 are pending.
2. This application is in condition for allowance except for the following formal matter: the specification is missing during reconstruction of the application. The original specification is requested.
3. The previous rejections under 35 U.S.C 112 have been withdrawn as to the amended claims.
4. After carefully reviewing the application in light of the prior art of record, the amended claims a set of related prior art references has been found, but those prior art references are not deemed strong to make the application unpatentable. Although the prior art disclose several claimed limitations, none of the references teaches a method of operating a torque transmitting apparatus which includes at least the steps of regulating the amount of torque to be transmitted by the clutch as a function of the magnitude of torque being transmitted by the output element prime mover, calculating what amount of force will have to be applied to the clutch so that the clutch will transmit the predetermined amount of torque, wherein the amount of torque is determined and calculated so that the clutch operates with a desired minimum amount of slip, and carrying out a compensation for long-term departures of the torque actually transmitted by the clutch from the predetermined torque, wherein the torque transmitting apparatus comprises a hydrokinetic torque converter and a slip clutch arranged in parallel to

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transmit torque between the output and input elements, and the amount of torque being transmitted by the clutch is controlled by a computerized regulating unit (see claims 1 and 25-29).

5. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

6. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

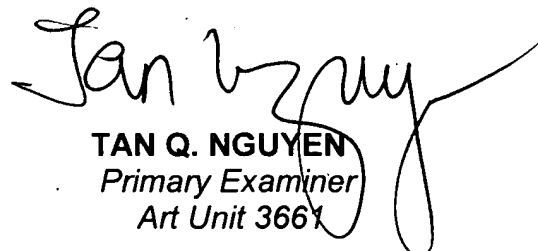
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Central Fax: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn  
December 10, 2006

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661